IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32493 of 2008
PRAMOD KUMAR SINHA
Versus
STATE OF BIHAR
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3 14.11.2008 Heard learned counsel for the petitioner, Informant and the State.

Petitioner is accused in a case registered for the offence under section 377 of the Indian Penal Code.

It is submitted on behalf of the petitioner that although there is specific allegation against this petitioner of the commission of the alleged crime but during investigation material did not support the allegation of the informant. Hence the victim boy himself denied of the alleged crime on the particular date of the occurrence. Learned counsel further submits that apart Medical Board was constituted to examine the victim boy. The Board had given its opinion and they did not find any sign of alleged crime on the date and time of the occurrence.

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Learned counsel for the informant opposes the prayer for bail and submits that in respect of the alleged occurrence and material collected during investigation offence under section 377 is not made rather 377/511 IPC has to be made out.

Learned A.P.P. appearing for the State, on perusal of the case diary, submits that the statement of the victim boy is not supporting the allegation of the informant of the commission of the alleged crime on the date of the occurrence. The Medical Board also is not supporting the allegation of the informant.

Considering the above facts of the case, let the petitioner Pramod Kumar Sinha, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs 10,000/ (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Begusarai Town P.S. Case no. 123 of 2008 subject to the condition as laid down under section 438(2) of the Code of Criminal Procedure.

shahid **(Shailesh Kumar Sinha, J)**

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